

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA****PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is attached)

**Offender Name:** Nicholas Adam Mendoza

**Docket Number:** 1:03CR05220-05 OWW

**Judicial Officer:** Honorable Oliver W. Wanger  
Senior United States Magistrate Judge  
Fresno, California

**Original Sentence Date:** December 13, 2004

**Original Offense:** Counts 13, 14, 15, 16, and 17: 18 USC 1341, Mail Fraud  
**(CLASS C FELONIES)**

**Original Sentence:** 46 months Bureau of Prisons, 36 months TSR, \$500 special assessment, \$18,705,196 Restitution

**Special Conditions:** 1) Search and seizure; 2) Financial restrictions 3) Financial access; 4) No new lines of credit; 5) Participate in drug/alcohol treatment; 6) Participate in a program of testing; 7) Aftercare co-payment.

**Other Court Action:**

**08/19/2008:** The Court signed a Transfer of Jurisdiction to the District of Nevada. Acceptance was denied.

**Type of Supervision:** Supervised Release

**Supervision Commenced:** July 13, 2007

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**PETITIONING THE COURT**

**[X] To modify the conditions of supervision as follows: Home Confinement with Electronic Monitoring-** You shall be confined to home confinement with electronic monitoring, if available, for a period of 30 days. You shall pay 100% of the costs of electronic monitoring services.

**JUSTIFICATION**

On December 13, 2004, the defendant was sentenced in the Eastern District of California by the Honorable Robert E. Coyle to 46 months custody, which was to be followed by 36 months of supervised

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release. On July 13, 2007, the defendant was released from the Bureau of Prison to supervision in the District of Nevada.

On July 19, 2008, the defendant was involved in a single vehicle traffic accident in Las Vegas, Nevada. The accident was witnessed by an off-duty police officer who stated that the vehicle crossed into on-coming traffic before going into a ditch, up a dirt embankment, and striking a metal fence. After the crash, Mendoza got out of the vehicle, looked at the damage and attempted to leave the scene. Nevada Highway Patrol officers arrived at the scene and arrested him for Hit and Run Property, Obstructing a Police Officer, and Failure to Maintain Travel Lane. The defendant was transported to the Las Vegas City Jail. The Probation Office responded to the jail and had him submit a urine specimen, which was returned positive for the use of marijuana.

The defendant maintained he did not remember anything about the traffic accident. He suffers from a seizure disorder and believes he had a seizure while driving his vehicle. The defendant maintains he did not use marijuana, but that he attended a party and ate brownies that may have contained marijuana. On September 4, 2008, all charges were dropped by the Las Vegas City Attorney's Office.

The defendant has been compliant with all other conditions of his supervision and his probation officer discussed the offender's choice to use marijuana and strategies to abstain from future use. In an effort to monitor his ability to abstain from drug use, the defendant was placed in drug counseling and also on a testing schedule.

At this time, the defendant's probation officer is requesting the defendant be placed on home confinement with electronic monitoring for 30 days as a sanction for this incident. The defendant has acknowledged his willingness to modify his conditions by signing a Waiver of Hearing to Modify Conditions of Supervised Release, which is attached for the Court's review.

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It should be noted the Court signed a Transfer of Jurisdiction on August 19, 2008, however, the Assistant United States Attorney in the case was opposed to the transfer so it was not executed.

Respectfully submitted,

**Laurie E. McAnulty**

**LAURIE E. MCANULTY**

Senior United States Probation Officer

Telephone: (559) 499-5723

**DATED:** October 8, 2008  
Fresno, California

**Reviewed by:** /s/ Rick C. Louviere  
**RICK C. LOUVIERE**  
Supervising United States Probation Officer

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**THE COURT ORDERS:**

- ☒ **Modification approved as recommended.**
- ☐ **Modification not approved at this time. Probation Officer to contact Court.**
- ☐ **Other:**

IT IS SO ORDERED.

**Dated:** October 8, 2008

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE